

Quid Novi

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MCGILL UNIVERSITY FACULTY OF LAW
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Le 4 février 1987

Les femmes et le système carcéral

de Jeanne Cadorette

Coupable! Avec ce simple mot la société vient de condamner l'un de ses membres à une sentence plus ou moins longue. L'éducation traditionnelle des avocats accorde peu d'importance à ce stade du processus légal. Notre client est acquitté ou condamné et peu importe au fond pourvu que les honoraires soient payés. Mais pour le condamné commence une vie tout à fait différente dans un monde fermé, parallèle et possédant ses propres règles. Evidemment certaines générales de conduite sont edictées pour servir de paramètres à la vie carcérale mais d'autres règles non-écrites et tout aussi fortes soutiennent ce monde où l'on entre à reculons et d'où l'on sort souvent plus stigmatisé qu'avant.

Ce sentiment de préjugé et d'impuissance face au monde

carcéral a pu être mis à jour lors d'une conférence donnée par Marie Beeman de l'Office des droits des détenus du Québec et de Me Nicole Lépine. Quelle fougue et quelle idéalisme chez ces deux femmes pour qui le monde carcéral est une source de défaites souvent amères mais de défis toujours renouvelés.

Les femmes ne forment qu'un faible pourcentage du nombre total de prisonniers au Canada et les crimes pour lesquels elles sont condamnées sont surtout reliés à la drogue et à des effractions relativement mineures contre la propriété (peu de fraude ou de dol à grande échelle mais surtout des vols avec cartes de crédit, etc.). Quant au taux de récidive, il est 10% plus élevé chez les femmes que chez les hommes. Ceci est surtout relié aux conditions socio-économiques dans lesquelles les femmes incarcérées évoluent. Elles sont toujours aussi pauvres et peu instruites à leur sortie de prison et retombent conséquemment dans les mêmes milieux.

Les femmes incarcérées possèdent beaucoup de traits communs. Elles ont souvent été victimes d'inceste dans leur jeunesse et leur niveau de scolarité est habituellement très

bas. Elles ont très peu de confiance en elles-mêmes et à l'intérieur des murs de la prison elles deviennent très passives, fatalistes et n'ont pas le courage nécessaire pour revendiquer leurs droits. Très souvent elles se font violence à elles-mêmes alors que les hommes incarcérés ont plutôt tendance à laisser éclater leur violence envers les autres prisonniers. L'usage des tranquillisants et la facilité avec laquelle on peut se les procurer rendent les prisonnières encore plus passives et alimentent une sorte de dépendance qui existait déjà dans leur vie antérieure. Elles font peu confiance aux autres femmes et choisiront plutôt un homme qu'une femme pour les représenter ou tout qu'avocat.

Les conditions de vie dans les pénitenciers pour femmes (Kingston, Tanguay, etc.) se sont améliorées un peu suite à des pressions sociales et politiques mais habituellement ces pressions ne créent qu'une réaction d'autorité encore plus forte et de menaces de représailles pour celles qui parlent dans les pénitenciers. D'après Mmes Beeman et Lépine, leur travail et celui d'autres bénévoles est une bataille incessante pour garantir la protection de droits fondamentaux continuellement

New Format

This week, the Quid introduces a new look. Our sexy new image was made possible by some new software and a laser printer, generously funded by the L.S.A. and the Dean's office.

Con't on p.5

ANNOUNCEMENTS

Valentine's Day

A Valentine's mailbox will be placed in the lobby of New Chancellor Day Hall so that students wishing to extend Valentine's wishes to friends can deposit cards in it.

Reminder: Valentine's Greetings in the Quid must be submitted by 2:30 Thursday, February 5. No charge.

Programmes nationales <<Droit civil/Common Law>>

Le Ministère de la Justice du Canada offrira de nouveau cette année le <<Programme d'échanges droit civil/Common law>>. Le programme se déroulera aux Universités Dalhousie et de Sherbrooke, et durera dix semaines. Le programme de 1987 commence le 18 mai. Pour plus d'informations, se référer au Professor H.P. Glenn.

Skit Nite

Plans are well under way for this year's March 19 Skit Nite extravaganza - "Saturday Nite Law". Volunteers are still needed for a variety of tasks from bartending to set design and ticket sales. Interested parties are encouraged to leave their hands in the Skit Nite box in the L.S.A. office.

In addition, the deadline for skits, in writing, is February 20. Skits can be left in the L.S.A. box or given to Skits committee members Patricia Allen, Cheryl Buckley, Vince Gallo, Kevin Kyte and Teresa Scassa.

The LSA represents you!

Do you have an opinion or problem relating to any aspect of student life you wish to discuss?

Do you wish to strike a committee?

Does your committee need a cheque to fund your next event?

Feel free to drop by the LSA Office - room 2 - (even if just to say "Hi") or call us at 392-5509.

Please note: the following LSA executives will be holding office hours this semester as follows:

Monday: 1-3 PM - Maria Battaglia.
Tuesday: 1-2 PM - Dave Lametti.
Wednesday: 11-2 PM - Maria Battaglia (except when council meets).
Thursday: 11-12 PM - François Longpré.

L.S.A. Bookstore

Thursday, 5 February 1987, will be the last opportunity to buy the following books (they will be returned to the publishers after that date):

Baudouin, La responsabilité civile délictuelle
Bernstein, Family Tax Planning After 1986
Chevrette & Marx, Droit constitutionnel
Dworkin, Taking Rights Seriously
Ely, Democracy and Distrust

Groffier, Précis de droit international privé québécois
Hart, The Concept of Law
Mendes da Costa & Balfour, Property Law
Prichard & Trebillock, Crown Corporations in Canada
Raz, The Authority of Law
Swan & Reiter, Contracts
Tetley, Marine Cargo Claims
Tupper & Doern, Public Corporations and Public Policy in Canada
Waddams, The Law of Contracts

Thursday, 5 February 1987 is also the last day on which students may return Volume II of Professor Scott's Constitutional Law Casebook.

Placement Centre

Articling: Byers, Casgrain, Montreal. Representatives of Byers, Casgrain will interview prospective articling students in the Faculty, 3644 Peel on 17 February 1987. Further information is available at S.A.O.

U.S. Bar/Brie Review

Tapes for the U.S. Bar/Brie Review Course are scheduled to arrive March 1.

Would all those planning on participating kindly inform Shari Moidel and pay the fees. She has all necessary materials and answers to your questions. Thank you.

LSA Free Phones: A Modern Day Myth

by Teresa Scassa

"LSA free phones" is a phrase which constantly inspires gales of derisive laughter. As a title for those squat little boxes in Old Chancellor Day Hall, it is grossly inappropriate. To begin with, the "phone" part is pure hearsay. Few students ever get close enough to really tell.

The word "free", radically misused in our modern society, is completely mystifying when used in conjunction with the LSA free phones. They are never free. Ever. Anyone who claims to have used these phones probably also lied about their four A's and a B+.

Of course, free may also mean without cost. But this is too highly inaccurate. Every good law student memorizes the phrase "time is money" before the end of 1st year. If you could bill for the hours waiting for these phones, you wouldn't want to graduate.

Technically, though, the people who monopolize the telephone never have to pay the usual 25¢ for a call. They might argue, therefore, that the phones are free. However, the phones, generously provided by the LSA, are paid for from student fees. It is a great idea and a good service, but the habits of certain users can only inspire descriptions such as abusive; inconsiderate, degenerate and rampantly socially unacceptable.

Telephone abusers use the phones for endless tedious high-volume conversations, no doubt meant to impress the hordes of earnest idiots lining up in the belief that they too

will use these phones in their lifetimes.

Abusers are oblivious to line-ups. They also ignore sighs, whines, groans and outraged mutterings. They use the phones so often for such lengthy periods that most students can describe these soliloquists in wretched detail without ever having formally met them. There are about one half-dozen regular abusers and thus, although faced with a daunting task, they usually manage to keep both phones occupied during peak hours, and one phone busy at all times.

The only cure for this behavior is peer pressure. This involves an apathy - breakdown which might be painful to many and fatal to some. Nonetheless, students must remember that they have already paid for these phones. The phones are for short calls which wouldn't be worth a quarter. Long calls can be made on the pay phones. Long calls can be made at home. Long calls cannot be made on LSA phones without the kind of oppressiveness that makes people re-read the Charter.

So the next time you are made to wait very much past the two minute limit for a telephone, politely remind your oppressor that you are not a gutless wretch in a community of automatons. You are a dynamic and rights-conscious individual. You will make your voice heard. And you won't pay 25¢ to do it.

Dear Abby Initio

Dear Abby Initio,

I have a professor who is simply obsessed with arrows and circles. The other day, he drew a big arrow penetrating a big circle, several small arrows escaping in all directions from a small, dark circle and a bent arrow contained within an oval. By the end of the lecture he had drawn exactly 69 arrows! What is the significance of all these arrows and circles?

Dear Buff,

According to legend, when Cupid's arrow pierced a heart the recipient would fall madly in love. Your professor may be suffering from delusions of cupidity, which would cause him to put on a display of arrows in the belief that one will pierce an object of his desire. The dark, little circle with the escaping arrows may represent his frustration over repeated attempts by the object of his desire to prevent the big arrow's penetration of the big circle. The oval-encased, bent arrow and the number 69 are highly symbolic. A survey of some of the less scholarly journals on Ste. Catherine Street reveals shocking displays of the meaning attributed to these symbols by certain publishers.

This cause of cupidity can often be found somewhere in the first row of a classroom. Careful observation of the subject is the

Con't on p.6

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L.S.R. Update

by Joseph Kary

The Quid editorial on the lack of exciting events around the faculty was dead-on. It's been a pretty ho-hum year. It's not over yet, though, and L.S.R. is planning a few events over the next few weeks. A guest speaker from Ottawa, Rebecca Aird, will be coming on February 13th to talk about Indian participation in resource developments on native lands, and how to preserve an Indian way of life while achieving economic self-sufficiency. Aird is a freelance environmental researcher and consultant. She is currently working for an Indian band in Northern Ontario that is in the process of negotiating a mining contract for minerals discovered on their land.

Later, on March 10th, Dan O'Meara will be talking on South Africa's war against neighbouring African States.

Then, on March 11th, Sherbrooke lawyer Peter Weldon will be in town, complete with slide show, to talk about his own experiences in mobilizing citizen opposition to a nuclear waste dump on the other side of the Vermont border.

Of course, there will also be our 4th semi-annual coffeehouse, and, the weekend of March 7th-8th, a retreat to Mont St. Hilaire for cross-country skiing and lots of discussions. Everyone is welcome to attend everything.



"I spell relief d-i-v-o-r-c-e."

Down by Law

Apropos John Relton's article "Anxiety and Law Studies", the Quid presents the following excerpt from the journal of a law student written after the first ten weeks of studying law at McGill.

"The blues have hit and they won't go away. Lately I get depressed everyday. I'm neither healthy nor happy. I keep catching colds and there are no leaves left on the trees. I spend so much time at my desk studying and, though I find a lot of the studies interesting, the thought of doing this for three years gets me depressed. What makes it worse is that I can't seem to enjoy anything anymore because all I ever think about is whether I want to stay here in such a state of mind. I have this tremendous urge to just pack up and go home, to reconsider what it is I want to do with my life. I feel like I've lost my freedom, like I'm a prisoner of my decision to come here and study law at McGill.

I do, however, know why I'm depressed. I'm afraid of not doing well in law school, afraid of disappointing myself and others. Every assignment I have to do causes me anxiety that is way out of proportion to its source. I'm constantly nervous and on edge. I get nervous twitching in my face and my legs which distresses me greatly. With stress and anxiety, I begin to question the benefit of what I'm doing.

It seems that health and happiness are not compatible with law school. And my health and happiness are important. If I don't have that, what's the point of anything else?

This whole experience is undermining my self-confidence. I know I can accomplish what I've set out for myself, but I don't know if it's worth the price I seem to be paying. I also know that if I continue in this state of mind, I won't do as well as I ought to. But I also worry about the consequences of quitting. I'm afraid to keep going and I'm afraid to stop. And I have no one to turn to for guidance.

Of course, students don't feel this way all of the time. However, the fact that students do not feel they can approach any of the faculty when they do feel this way underlines the need for better faculty-student relations here at McGill. Who can a student talk to about such matters? What we need is a system that provides students with faculty advisors. If a student knows that a specific professor is there to discuss such matters it will make approaching that professor much easier. As it stands, professors only appear willing to discuss the academic side of life. Surely there is more to life than just academics.

Les femmes Con't from p.1

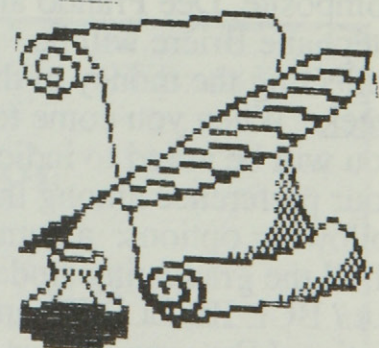
bafoués par les autorités pénitentiaires. Toutes ont droit à la vie mais les autres droits fondamentaux sont plutôt considérés comme des privilèges. Le droit carcéral est une branche du droit administratif dans lequel le pouvoir discrétionnaire de l'autorité est très difficile à limiter.

Il y a évidemment des procédures légales qui peuvent

être entreprises pour faire respecter les droits de détenues mais la longueur des ces procédures et la lenteur du système carcéral puis du système juridique sont telles que dans la plupart des cas, les détenues hésitent à les entreprendre en se disant qu'elles auront sûrement purger leur peine avant que leur cause ne soit entendue; donc se disent-elles, vaut mieux prendre son mal en patience. Elles ont aussi peur des représailles qu'entraîneraient leurs dénonciations. Pour ceux et celles qui oeuvrent à l'Office des droits des détenus, il s'agit évidemment de situations où la frustration devient de plus en plus grande et où le sentiment d'impuissance face au système ne fait que croître.

Lorsqu'une de ces plaintes est finalement présentée au grand jour les médias d'information n'utilisent que ce qui peut faire la manchette et laisse peu à peu l'histoire tomber dans l'oubli.

D'après Mmes Beeman et Lépine le droit carcéral n'est évidemment pas payant, du moins en valeur monétaire, mais ceux et celles qui s'y impliquent le font par idéalisme, par respect du droit de chaque individu d'être traité décemment et aussi tout simplement par solidarité humaine.



Update for Graduating Students

by Dee Prando

On Thursday, January 22, a meeting for all graduating students was held at which time a number of issues were discussed. One of the purposes of the meeting was to get some feedback about what the graduating students wanted as a class picture. Two possibilities were put forth: (a) a class picture of the kind where everyone stands in front of OCDH; or (b) a class composite of the kind we find in the hall between OCDH and NCDH. A majority of the students indicated a preference for the composite, which will be put together by Van Dyck's Studio. For those students who did not have their picture taken last semester, and who wish to be included in the composite, you are urged to go to Van Dyck's by February 10th and have your picture taken. If you have had your picture taken already, those proofs will be used for the composite. The cost for the composite will be \$23.76 (tax included), whether or not you had your picture taken last semester. That amount will entitle you to be included in the composite and to receive a small color copy of the composite.

For all those interested in having their picture in the composite, Dee Prando and Stéphane Brière will be collecting the money in the next week. When you come to pay, you will be asked to indicate your preference among the following options: a composite of all the graduating students (i.e./ BCL III, LLB III, and National Programme), or a separate composite for each group. At the meeting, this

question proved quite contentious so we need to know what you think.

A second issue discussed was the Banquet. Every year, the Faculty holds a banquet which is attended predominantly by graduating students, although it is open to all. It was suggested therefore, that graduating students should become involved in its organization. James Papadimitriou and Peter Mardakis expressed an interest. Anyone else in the class or in the Faculty interested in helping is urged to contact either James, Peter or Dee Prando. We need your help!

Finally, should any graduating student have any question, concern or suggestion they would like to share with us, Stéphane Brière and I would be most happy to assist you.

Abby Initio Con't from p.3

best method of ascertaining whether this display of symbols will result in an actus reus or be limited to an indefinite period of mens rea only.

Just remember the words to the old song to sing next time you're in class.

"Here they come falling out of the blue,
Little arrows for me and for you,
We're falling in love again,
We're falling in love again,..."

MENAGERIE MEDDLES WITH MOOT COURT

Dear Moot Court Board,

On behalf of Mssrs G. Raphe and C. Lyon, I would like to request an extension of the deadline for submitting factums.

Due to negligence on the part of our staff, C. Lyon's portion of the factum was used to wrap his daily fish.

The submissions of G. Raphe came to a somewhat messy end when inadvertently used to line the floor of his compound.

Granby's mooters are mortified at this turn of events, although I have assured them that their fishy and crappy arguments may still meet first year standards.

Thank you for your indulgence in this matter.

Yours sincerely,

Mr. Don Key
Director, Granby Zoo.

P.S.: Should you find yourselves short of a judge for the upcoming season, I would be happy to volunteer my services. My qualifications are outstanding, since, after all, the law is an ass.

The Lady in the Window, Stripped

by Joseph Kary

There used to be a lady working the north side of St. Catherine St., just west of Stanley, and I would usually see her on my way to class. She didn't wear much in the way of clothing; her job was to shill in people to a porno film - short theatre, and all she usually had on were some strategically placed strips of film. She seemed nice - not particularly bright, but, unlike a lot of people in her line of work, she seemed genuinely cheerful and happy with her life. We never spoke to each other, but she always smiled when I walked past. I thought of her as a friend.

One day, I walked past and she was no longer smiling. Someone had broken the window behind which she usually posed, and ripped her to shreds (easy to do because her body was fairly two-dimensional). It was clearly an act of political protest because revolutionary symbols and stickers decorated the walls and the remaining glass. It was for a good cause, I suppose, but still I felt a bit sad, and my walks to McGill are a bit more lonely now.

Oh, they've found another woman to replace my friend, one with the same dark hair and with vaguely the same build. But she's different - a bit less generously proportioned, a bit

more muscular - and her mouth is pursed into a pout that other people say is meant to be sexy, but to me seems simply mean and nasty. No-one would dare break into her window. She'd know how to take care of them. A few new revolutionary stickers decorate the window, but there's been no fresh violence yet.

If you look up to the second floor of the video-game/porno palace, you can see a woman who's a dead ringer for my friend, a twin sister, maybe, but you can only see her from the opposite side of the street, and she's too high up to see me when she smiles. I've taken to walking to class along Sherbrooke St. lately.

Legal Laffs

A man who had already been convicted a number of times for indecent exposure was arrested for baring his buttocks to a group of girls. When he appeared in court he said, "It was a stupid compromise".

The notorious Judge Jeffreys, of Bloody Assizes fame, is said to have pointed his cane at the accused in the witness box during a certain trial, remarking, "There is a rogue at the end of my cane!"

To which the man replied, "Which end, my lord?"

Savez vous...

...that the law schools Admissions Committee has a certain set of standards determined by the candidates' marks that places his/her application in one of three piles for the initial selection process? 1) automatic acceptance, 2) maybe, and 3) hopeless.

...that soon on T.V. you will be able to watch Mr. T. in a new series? Yep, this mental giant plays a streetwise Chicago lawyer. Asked to comment on the series, T replied, "I'm gonna hafta trade in my gold for a bunch of dem fancy suits and use a lot of dem big words."

EILEEN ORNSTEIN

TEL: 485-1056

EXECUTYPE

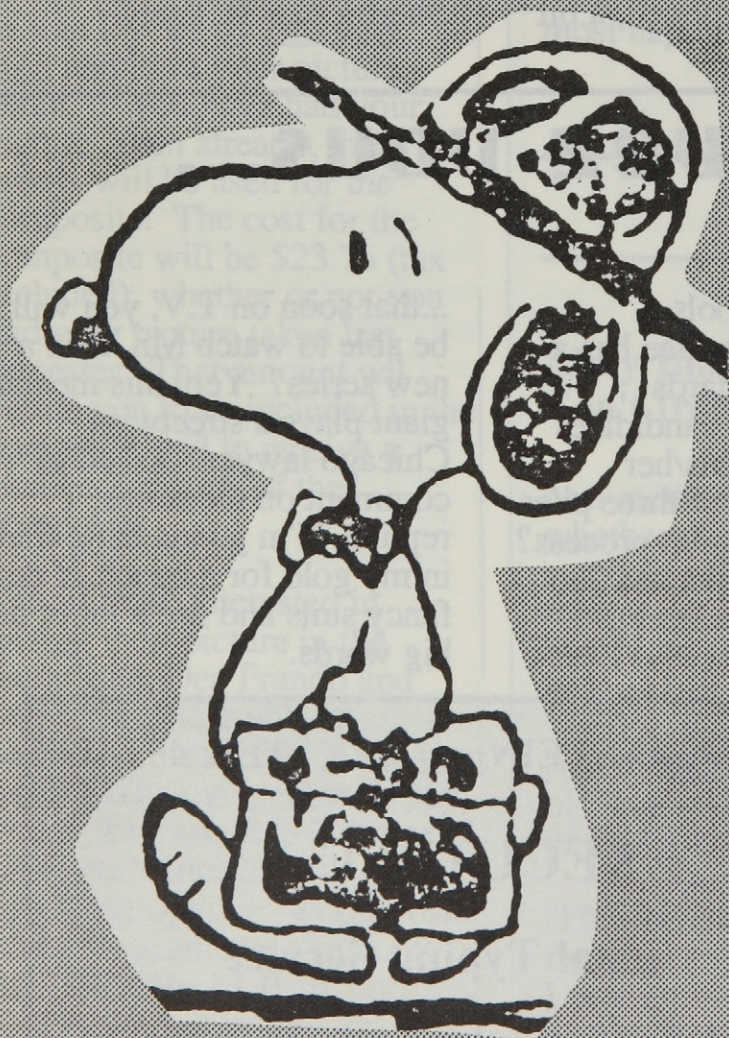
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LEGAL BEAGLE AWARDS

Quid Novi, in conjunction with the Academy of Professorial Arts and Sciences, proudly presents the First Annual McGill University, Faculty of Law "Legal Beagle" Awards. We are pleased to announce that nominations for candidates in the following categories will be accepted up to 12:00 p.m. Thursday, February 19. Feel free to include with your nomination the reason or reasons why you believe this candidate best qualifies for this particular category. The list of nominees will appear in the March 4th edition of the Quid and ballots may be returned to the Quid office up to 12:00 p.m. Thursday, March 12. The results will appear in the following week's edition of the paper.



- 1 - Best Overall Professor
- 2 - Most Outstanding Lecturer
- 3 - Least Outstanding Lecturer
- 4 - Most Respected Professor
- 5 - Least Respected Professor
- 6 - Professor with the Most Grating Accent
- 7 - Best Dressed Professor; Male and Female
- 8 - Worst Dressed Professor; Male and Female
- 9 - Most Eccentric Professor
- 10- Professor Most Detached from Reality
- 11- Most Predicable Professor
- 12- Professor Least Likely to Own a Watch
- 13- Most Caustic Professor
- 14- Most Eligible Bachelor; Male and Female
- 15- Most Demanding Professor
- 16- Least Demanding Professor
- 17- Professor Least Likely to Give an A
- 18- Professor Most Likely to Give an A
- 19- Professor Most Likely to Make it to the Supreme Court
- 20- Best Course in Common/Civil Law Stream
- 21- Worst First Year Compulsory Course and the Professor
- 22- Most Desirable Professor to Judge a Moot
- 23- Professor You Would Least Mind Being Stuck on an Island with.
- 24- Most Inspiring Professor (i.e. who most inspired you to investigate other career options.)